



Department of
Community
Development

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Agriculture in Jefferson County

Information Booklet

Summer 2004

County Commissioners Support Local Agriculture

Jefferson County has made important changes in Agriculture policy and regulations. In 2003, the Board of County Commissioners, based on work done by the Planning Commission, local farmers, environmental groups and interested citizens, passed amendments to the agriculture policies in the Comprehensive Plan to simplify the land designations and make them more relevant to local circumstances. In 2004 they amended the County's regulations related to agriculture to be more supportive to commercial farmers. At the same time the Commissioners made sure that they preserved and enhanced protection of valuable fish and wildlife habitat.

While all this work was going on, the Department of Community Development (DCD) asked those property owners who sell agriculture products or services produced on their farms if they wished to have their land re-designated as Agricultural Land on the County land use map. The necessary paperwork and fees for the re-designation would be taken care of by the County on a one-time-only basis as part of this year's Comprehensive Plan amendment process. Future land use designation changes would be at the property owner's expense.



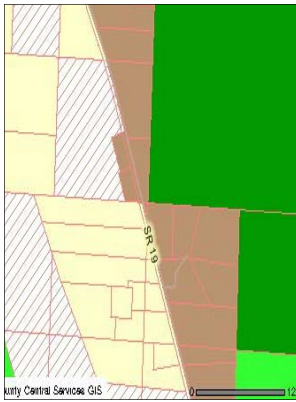
Jefferson County
Courthouse

This Information Booklet has been prepared to help the citizens of Jefferson County understand the changes to agriculture policies and regulations in a clear, easy-to-read format. It also provides directions for finding exact regulation language, related information and helpful agriculture resources in the County.

Do You Know Your Land Use Designation?

Many people do not know the current County land use designation of their property. Your land use designation determines whether you can legally subdivide your land, the type and locations of structures you can build and the uses to which you can put your land. There are a total of 15 use designations set forth in the Comprehensive Plan and implemented in the County's Unified Development Code (UDC). Commercial agriculture can be practiced in all land designations; however, land designated *Prime Agriculture (AP)* or *Agricultural Land of Local Importance (AL)* has additional agricultural rights for the farmer. These additional rights, adopted in 2004, are summarized on pages 6-8 of this booklet. You can see the land use designations for the whole county on a map called "Jefferson County Comprehensive Plan Land Use Designations."

You can also determine what your particular parcel is designated by asking a planning staff person at 360-379-4450 or by looking it up on the County's website. You will need your parcel number from your property tax statement. Land designated *Prime Agriculture (AP)* consists of larger parcels containing soils determined by the USDA Soil Conservation Service to be prime for agriculture. *Agricultural Land of Local Importance (AL)* consists of parcels of any size determined to be important to local agriculture regardless of soil type.



**Parcel Map Showing
Land Use Designation**

Information Available at DCD

You can learn a great deal about your land and the policies and regulations that apply to it at the office of the Department of Community Development at 621 Sheridan Street in Port Townsend, open Monday through Friday from 9:00 AM to 4:30 PM. The staff at the front counter is available to help you with information about your specific building plans. The planners in the back are available by appointment to help you with questions about the Unified Development Code, including information about subdividing your land, rules in the shoreline area, types of uses that are allowed according to your land use designation, setbacks, required protection for environmentally sensitive areas and similar issues.

A farmer can also gather useful information from the website that Jefferson County maintains at www.co.jefferson.wa.us. Through the website you can find copies of the Comprehensive Plan and the development regulations (UDC). You can link to Washington State websites so you can look at the State laws and regulations.

The most fascinating part of the Jefferson County website is the mapping section. After entering your property parcel number (found on your tax statement) you can view a map of your land—up close or in a larger context. Special information can be overlaid on your parcel map showing the view from aerial photography, topography lines, parcel numbers, land use designations, environmental features, etc.

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Jefferson County Conservation District

The Jefferson County Conservation District is an extremely valuable resource for everyone in the county interested in agriculture and environmental protection. The Conservation District is not a department of Jefferson County, nor is it a State agency. It is an independent, special purpose government, like a fire or water district. The Conservation District is guided by the Washington State Conservation Commission, which along with Jefferson County, provides funds for its basic program and administrative functions.

The Conservation District is NOT a regulatory agency and it has no powers of enforcement. It encourages land owners to conserve natural resources voluntarily through education, individual guidance and assistance, as well as other means. It is run by a local, five member board of volunteer supervisors, three of whom are elected and two of whom are appointed by the Washington State Conservation Commission. The programs the District is involved with include:

- **Providing free information and technical assistance** to all land users for water quality and shellfish habitat protection, soil erosion control, forest management, wetland and wildlife/fish habitat enhancement
- **Assisting commercial and noncommercial farmers** with pasture and animal waste management planning
- **Assisting woodland owners** and managers with forest resource planning and management
- **Promoting the conservation** of all renewable natural resources in Jefferson County through public education programs
- **Coordinating a monitoring and public notification program** for aerial applications of herbicides on forest lands in East Jefferson County
- **Providing soils, land use data, and technical assistance to City and County officials**
- **Helping teachers** incorporate environmental education into school curriculum
- **Assisting with watershed planning** for water quality protection

The 2004 Board of Supervisors is comprised of: Roger Short; John Boulton; Lige Christian; Glen Huntingford and Julie Boggs with Dennis Schultz as Associate Supervisor. Al Latham is the Staff Manager/Technician, Glenn Gately is the Resource Technician and Rosie Taylor is the Administrative Assistant.



**Chimacum Creek
Salmon Restoration
Project**

Environmentally Sensitive Areas

In order to protect the environment, five types of environmentally sensitive areas (ESAs) have been mapped by DCD and given special regulations. These are: (1) areas where surface water is known to rapidly recharge ground water aquifers; (2) frequently flooded areas; (3) areas prone to geological hazards such as slides; (4) particularly important fish and wildlife habitat areas; and (5) wetlands. These ESAs are technically complex and they affect agriculture in specific ways. It is very important that you work with a DCD planner before you proceed with new agricultural activities. There is usually a way to accomplish what you want to do if you work with the staff.

If your farm has a critical aquifer recharge area mapped on it, commercial agriculture must be operated in accordance with specific "Best Management Practices." There are also special regulations concerning well drilling and septic systems.

If your farm has a frequently flooded area mapped on it, the County Flood Prevention Ordinance (#18-1120-95) will apply with special rules, primarily associated with buildings, septic systems and landfills.

If your farm includes land mapped as being a geologically hazardous area, the rules of Section 3.6.7 of the County's Unified Development Code (UDC) apply.

If your farm includes land mapped as fish and wildlife habitat or wetland area, the regulations in Section 3.6.8 and 3.6.9 of the UDC apply. Not all such habitat areas are mapped so it is very important that you get expert advice before you make major changes on your farm. While certain existing and ongoing agricultural activities are exempt from these rules, construction of new buildings is not exempt. The regulations cover the habitat areas themselves plus buffer zones around them in some cases. The maps in the DCD office are detailed enough for guidance, but often site visits and/or special reports prepared by qualified professionals are needed.

Buffer Zones and Agricultural Use

The regulations to protect fish and wildlife habitat and wetland areas can create special problems for some existing farms. Application of standard buffers would place major restrictions on a high proportion of the growing or grazing acreage of many small farmers. Since effective, alternative protection to critical areas can be achieved by agricultural "Best Management Practices" (BMPs), Jefferson County has provided special exemptions from buffer requirements for cultivating crops and grazing livestock on existing and ongoing agriculture.

"Existing and ongoing" is defined as commercial agricultural activities that have been conducted within the five-year period leading up to April 28, 2003. Land included in this exemption are parcels enrolled in the Open Space Taxation Program for agriculture and/or land designated *Prime Agriculture* or *Agricultural Lands of Local Importance*. The exemption does not apply to new buildings, parking areas and similar development, nor to new agricultural activities.

In place of the buffer requirements, farms which are exempted are expected to voluntarily comply with BMPs tailored to their specific watershed by the Jefferson County Conservation District and the County. Periodically over the year, the County will evaluate whether or not the program of voluntary compliance with BMPs is working and if it is not, the buffer exemptions for a particular farm, stream reach, or in some cases for an entire watershed, will be modified or eliminated.

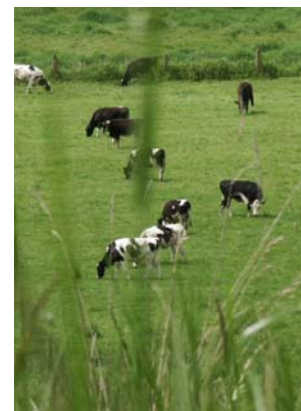
Fortunately for farmers, this sounds a lot more difficult than it actually is. Conservation District personnel will advise you for free with efficiency and common sense. Most BMPs are just good farming practices like avoiding misuse of pesticides, keeping manure runoff out of streams, preventing livestock from destroying stream banks, etc.

Farms which began commercial activity after April 28, 2003, or are not designated as Agricultural Land (AP or AL) or enrolled in the Open Space Tax Program for agriculture, must comply with all the regulations for environmentally sensitive areas found in Section 3 of the UDC.



Environmentally Sensitive Area

"Conservation District personnel will advise you for free with efficiency and common sense."



Agriculture and Buffer Zones



**Preserving quality
of life**

**“Sometimes the
Conservation
District has
access to funds
to help with
financing
projects needed
to apply
BMPs
to your farm...”**



**Livestock Guardian
Dog**

Agricultural “Best Management Practices”

“Best Management Practices” (BMPs) are various practices, prohibitions and procedures to preserve water quality standards and prevent or reduce harm to rivers and streams, wetlands, and fish and wildlife habitat areas. The Jefferson County Conservation District provides free advice and technical assistance to farmers to develop BMPs for their land by helping to draw up individual farm plans and plans for the entire area which drains into the river or creek near your farm. The State Department of Ecology has ultimate authority for enforcing water quality standards under the Federal Clean Water Act. Jefferson County encourages the use of BMPs and assists the Department of Ecology in the enforcement of the Clean Water Act.

Agricultural BMPs are designed to protect habitat and water quality in the following areas:

- Livestock and dairy management
- Nutrient and farm chemical management
- Soil erosion and sediment control management
- Operation and maintenance of agricultural drainage infrastructure
- Riparian (stream environment) management

The farmer is only responsible for conditions caused by his agricultural activities. The farmer is expected to cause no harm and to maintain the existing quality of the wetland or fish and wildlife habitat area of his farm. This sounds complex; however, the Conservation District staff provides free help tailored to your individual farm activities and creek or river area in easy-to-understand terms and directions.

Most of the BMPs are just good farming and basic respect for the environment. Sometimes the Conservation District has access to funds to help with financing projects needed to apply BMPs to your farm, such as fencing livestock away from stream banks, installing gutters and downspouts on farm buildings to help manage runoff from manure, etc.

Livestock Management

Livestock can be raised on land of any use designation as a matter of right in Jefferson County. Permits will be required for operating facilities for concentrated feeding of animals and for slaughtering a large number of chickens in a given year. More intense agricultural uses on land not designated as Agriculture (AP or AL) is restricted to land designated Heavy Industry.

On land designated as *Prime Agriculture* or *Agricultural Lands of Local Importance*, livestock management is also allowed as a matter of right. Certain concentrated feeding operations and slaughter operations will require a permit; however, the land use permit requirements are not as rigorous as they are in non-agricultural districts.

There are additional County, State and Federal health requirements for concentrated feeding, slaughter and processing of livestock.

Dogs

Facilities for breeding and maintaining working dogs raised for livestock management purposes are exempt from one of the performance standards of Section 4.6.3, Animal Kennels and Shelters, in order to allow livestock guardian dogs to work during nighttime hours.

Facilities for breeding and raising dogs for show or sale must be incidental and accessory to the principal farm activities and meet all the requirements to UDC Section 4.6.3.

Open Space Tax Program

There is probably no topic related to agriculture which is as misunderstood as the Open Space Tax Program. If you are practicing agriculture for income, at any scale, you owe it to yourself to be sure you understand this program and consider taking advantage of it if you are eligible. Administered by the Jefferson County Assessor, this program affects how your property taxes are computed. Land use designation is administered by the Department of Community Development and it affects how your property is used. The two issues are associated but not dependent upon each other. You may qualify for Agriculture Open Space Tax status regardless of your land use designation. If you have land designated *Prime Agriculture* or *Agricultural Land of Local Importance* you may or may not be in the Open Space Tax Program for agriculture. You have to apply for the Tax Program if you want it.

The Open Space Tax Program for Agriculture allows you to have your land taxed at a much lower rate depending on the size of your land and the following qualifying criteria:

- If your land is 20 acres in size or more you may qualify based on an approved farm plan with no specific income requirements.
- If your land is between 5 and 19 acres you may qualify if you earned a gross of \$200.00 or more per acre/per year for three of the past five calendar years from agricultural activities like selling vegetables, hay, beef, boarding horses, etc.
- If your land is under 5 acres the amount of gross sales must be \$1,500 per year for three of the past five years.

In some instances, if you change the use of your land and withdraw from the Open Space Tax Program or sell the land to a person who does not choose to continue in the program, you may have to pay the difference between the regular tax rate and your reduced rate. This last feature seems to make people shy away based on misunderstandings. It is a very small penalty, which seldom applies. There are similar programs for forest land and for special areas such as historic sites, view sites and special environmental areas. The government created this program to help farmers stay in business. It's up to you to take advantage of it.

“Right to Farm” Legal Protection

The State Legislature found that farming activities practiced on agricultural land in areas becoming suburbanized frequently are subject to lawsuits claiming that the farming activity is a nuisance and these lawsuits may force farmers out of business. Therefore, specific laws were written addressing the farmers' “Right to Farm” to reduce such nuisance claims. This law states in RCW 7.48.305:

“...agricultural activities conducted on farmland...if consistent with good agricultural...practices and established prior to surrounding nonagricultural...activities, are presumed to be reasonable and shall not be found to constitute a nuisance unless the activity has a substantial adverse effect on the public health and safety. If those agricultural activities...are undertaken in conformity with all applicable laws and rules, the activities are presumed to be good agricultural...practices not adversely affecting the public health and safety ...An agricultural activity that is in conformity with such laws and rules shall not be restricted as to the hours of the day or days of the week during which it may be conducted.”

In RCW 7.48.310 “Agricultural Activities” are defined to mean,

“a condition or activity which occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to, marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; movement, including, but not limited to, use of current county road,



Preserving farmland through the Open Space Tax Program

“There is probably no topic related to agriculture which is as misunderstood as the Open Space Tax Program.”



Jefferson County Garlic

(Continued on page 9)

2004 Agriculture Regulation Changes

Note: This table refers to land use permits only. Other permits may be required.

Usage	Old Ag Regulations	2004 Ag Regulations
Farm Labor Housing	Category did not exist.	Allowed, subject to land use permit.
Home Business	Allowed, with permit required.	Allowed, with no land use permit if agricultural business. Other businesses same rules.
Cottage Industry	Allowed subject to a Conditional Use permit and public notice-no public hearing.	Allowed, with no land use permit required if business is accessory to agriculture—all other same process as before.
Commercial Animal Shelter and Kennel	Allowed, subject to a Conditional Use permit and public notice but no public hearing.	Allowed, with no land use permit required if within certain limitations. Otherwise same requirement as before.
Veterinary Clinics and Hospitals	Not allowed.	Allowed with a permit, if includes large animals practice.
Small Equipment Repair, Sales and Rental Service	Not allowed.	Allowed, when related to agriculture, subject to some limitations, with no land use permit required.
Retail Sales	Not allowed.	Allowed, subject to limitations with no land use permit required.
Light Industrial/Manufacturing	Not allowed.	Allowed, subject to some limitations, with no land use permit required.
Food or Beverage Bottling and/or Packaging	Not allowed.	Allowed, subject to limitations, with no land use permit required.
Outdoor Storage Yards	Not allowed.	Allowed, subject to limitations, with no land use permit required.
Recycling Center	Not allowed.	Allowed, subject to limitations, with no land use permit required.
Warehouse/Wholesale Distributing Center	Not allowed.	Allowed, subject to limitations, with no land use permit required.
Unnamed Essential Public Facilities	Not allowed.	Allowed, subject to permit.
Assembly Facilities	Not allowed.	Allowed, subject to limitations, with no land use permit required.

2004 Agriculture Regulation Changes (cont.)

Note: This table refers to land use permits only. Other permits may be required.

Usage	Old Ag Regulations	2004 Ag Regulations
College or Technical School/Adult Education (not State owned)	Not allowed	Allowed, subject to limitations, with no land use permit required in some cases, required in others.
Recycling Collection Facilities	Allowed subject to Conditional Use permit with public notice but no public hearing.	Allowed, subject to limitations with no land use permit required.
School, Primary & Secondary	Not allowed.	Allowed, subject to limitations with a permit required in some cases.
Agritourism	Category did not exist.	Allowed, subject to limitations, with no land use permit required.
Animal Preserves and Game Farms with Dangerous Wild Animals	Not allowed.	Not allowed.
Animal Tourist Farms with Domestic and Non-dangerous Wild Animals	Category did not exist.	Allowed, subject to limitations with no land use permit required.
Campgrounds and Camping Facilities (New)	Not allowed.	Allowed, subject to limitations with land use permit required.
Campgrounds and Camping Facilities and Small-Scale Resorts (Expansion of existing facilities)	Not allowed.	Allowed, subject to limitations with land use permit required.
Outdoor Commercial Amusement Facilities	Not allowed.	Allowed, subject to limitations with land use permit required.
Recreational, Cultural or Religious Conference Center/Retreat Facilities	Not allowed.	Allowed, subject to limitations with land use permit required.
Outdoor Recreational Equipment Rental and/or Guide Services	Not allowed.	Allowed, subject to limitations with land use permit required.
Rural Restaurant	Not allowed.	Allowed, subject to limitation with land use permit required.
Rural Recreational Lodging or Cabins for Transient Rental	Not allowed.	Allowed, subject to limitations with land use permit required.

2004 Agriculture Regulation Changes (cont.)

Note: This table refers to land use permits only. Other permits may be required.

Usage	Old Ag Regulations	2004 Ag Regulations
Unnamed Small Scale Recreation and Tourist Uses	Not allowed.	Allowed, subject to land use permit.
Agricultural and Accessory Uses	Allowed subject to land use permit review.	Allowed, subject to some limitations with no land use permit required.
Aquatic Plant and Animal Process and Storage	Not allowed.	Allowed subject to limitations with land use permit required.
Lumber Mills and Associated Forestry Processing Activities	Not allowed.	Allowed with some limitations with no land use permit required.

“Jefferson County has chosen to exempt certain types of agricultural buildings from the requirements of the Building Code.”

Jefferson County has chosen to exempt certain types of agricultural buildings from the requirements of the Building Code. The buildings which are exempt and do not require a permit are:

- A building or structure erected exclusively for the storage of livestock, feed, and/or farm implements. Said structures shall be free standing; located at least 10 feet from the nearest structure and not attached to any structure, unless attached to another agricultural building; shall not contain plumbing, except as necessary to maintain farm animals; and shall not contain a heating source, such as a woodstove or electric heat, unless specifically permitted.
- Agricultural buildings which contain plumbing other than that as authorized above, must obtain a plumbing permit and Health Department approval.
- Agricultural buildings which contain a heat source must obtain a woodstove permit or an electrical permit as appropriate.
- Agricultural buildings used for the storage of private automobiles, trucks, etc., which are not licensed as farm equipment, are considered garages or carports and must obtain a building permit.

If, in the opinion of the Building Official or building staff, the above exemption will be violated by a proposed structure or one under construction, the structure will be considered a structure subject to the Building Code. This staff determination may be appealed to the Director of the Department of Community Development.

Agricultural buildings used for hosting members of the public for retail sales of agricultural products or machinery constructed onsite shall require a building permit to ensure life safety and structural integrity. If an older agricultural building constructed under the building permit exemption for agricultural buildings is proposed for hosting members of the public, the building shall be brought into compliance with the building code, as determined by the Building Official.

Temporary growing structures used solely for the commercial production of horticultural plants including ornamental plants, flowers, vegetables and fruits are not considered structures subject to the State Building Code, Chapter 19.27 RCW, pursuant to RCW 19.27.065.



Chimacum Valley barn

Storm Water and Grading Regulations for Agriculture

The County regulates storm water runoff and grading and excavating according to the rules in Sections 6.6 and 6.7 of the UDC. Certain types of commercial agriculture activities are exempt from these regulations. These activities are: (1) land preparation for cultivation of crops or grazing livestock and (2) maintenance of agricultural irrigation infrastructure. Construction of new buildings and parking areas is not exempt. Clearing timber to create agricultural land is regulated under the State Forest Practices Act, Chapter 76.09 RCW. It requires a County review according to the regulations of Sections 4.16. and 6.7 of the UDC. This is a complex, technical section and you should discuss your timber clearing plans with a DCD Planner.

Farm Ponds and Agricultural Irrigation Systems

Constructing new farm ponds and irrigation systems is exempt from the storm water and grading regulations as long as it is not in an environmentally sensitive area or its buffer. The County would like you to document your ponds and ditches with photographs to facilitate future development permits on your land.

In environmentally sensitive areas and their buffer zones you can maintain existing farm ponds and ditches without needing a County review. If you wish to construct a new pond or irrigation system in a sensitive area or its buffer, in accordance with UDC Section 3.6.8, you must have a qualified specialist prepare a plan which the County will review and then your construction must follow the recommendations set forth in the plan. Generally these policies involve type of habitat where you place your excavated materials, the relationship to salmon bearing streams and to groundwater connected to salmon streams, and the methods you use during the construction to protect plants and animals in the area.

This sounds hard but when you consider that construction of any pond is a rather big operation, the cost of the expert's report and complying with special requirements is a small part of your project. Many of the experts' recommendations are what you are likely to want to do anyway. The Conservation District can give you guidance in this area.

"Right to Farm" (cont.)

(Continued from page 5)

ditches, streams, rivers, canals, and drains, and use of water for agricultural activities; ground and aerial application of seed, fertilizers, conditioners and plant protection products; employment and use of labor; roadway movement of equipment and livestock; protection from damage by wildlife; prevention of trespass, construction and maintenance of buildings, fences, roads, bridges, ponds, drains, waterways and similar features and maintenance of stream banks and water-courses; and conversion from one agricultural activity to another."

Jefferson County addresses the "Right to Farm" issue in the UDC in Section 3.3.2.c.

"The following shall not be considered a nuisance: Agricultural...activities, and other facilities or appurtenances thereof, conducted or maintained for commercial agriculture...on land designated as Rural Residential 1:10 and 1:20, Rural Industrial, Rural Commercial, Agricultural Resource, or Forest Resource."

The UDC also requires that approval of any land division, land use, building or development of any lands within 500 feet of land which is designated as Agricultural Resource Land must contain the following statement::

"Jefferson County has determined that the use of real property for agricultural and forestry operations is a high priority and favored use in the county. The county will not consider to be a nuisance those inconveniences or discomforts arising from such operations, if such operations are consistent with commonly accepted best management practices in compliance with local, state and federal laws. If your real property includes or is within 500 feet of real property designated as ...Agriculture...you may be subject to inconveniences or discomforts arising from such farming and forestry operations, including but not limited to noise, tree removal, odors, flies, fumes, dust, smoke, the operation of farm and forestry machinery during any 24 hour period, the storage and disposal of manure, and the application of permitted fertilizers and permitted pesticides. One or more of these inconveniences may occur as a result of agricultural and forestry operations which are in conformance with existing laws and regulations."

"Right to Farm" protection is subject to a wide range of judicial interpretation. To avoid nuisance claims and before a complaint situation becomes serious, a farmer should always check with the Conservation District to be sure all appropriate "Best Management Practices" are being followed.

"Constructing new farm ponds and irrigation systems is exempt from the storm water and grading regulations as long as it is not in an environmentally sensitive area or its buffer."



Wine Making Barrels

“The recent amendments to the UDC have clarified and expanded the ‘matter of right’ category of uses for land designated Prime Agriculture or Agricultural Lands of Local Importance.”



Fields of garlic and lavender

State Legislature Broadens Agricultural Opportunities

In 2004 the State Legislature recognized the importance of certain non-agricultural uses that support or sustain agricultural operations by passing RCW 36.70A.177 in support of agricultural “Accessory Uses.” These uses include compatible commercial or retail uses including but not limited to: (1) storage and refrigeration of regional agricultural products; (2) production, sales, and marketing of value-added agricultural products derived from regional sources; (3) supplemental sources of on-farm income that support and sustain on-farm agricultural operations and production; (4) support services that facilitate the production, marketing, and distribution of agricultural products; and (5) off-farm and on-farm sales and marketing of predominantly regional agricultural products and experiences, locally made art and arts and crafts, and ancillary retail sales or service activities.

These “accessory uses” are allowed exclusively on designated Agricultural Land and they shall not interfere with the primary purpose of the farm in growing crops or raising animals. They also shall predominantly be for regionally produced agricultural and arts and crafts products. All buildings and parking areas shall be consistent with the size and scale of existing agricultural buildings and shall not convert agricultural land to nonagricultural uses.

Types of Permits

The Department of Community Development utilizes five different categories of use for determining the type of permit that will be required for a proposal. In addition to these categories, some uses are totally prohibited and some uses are allowed “as a matter of right” and not subject to the permitting process if the use stays within specified limitations. The recent amendments to the UDC have clarified and expanded the “matter of right” category of uses for land designated *Prime Agriculture or Agricultural Lands of Local Importance*.

The categories of use which indicate the type of permit required are:

- **“Yes”** —requires a detailed drawing of the property and proposed use, completion of an application form and master permit checklist and payment of a fee. The use is allowed but it must be reviewed by DCD first to insure conformity to the rules.
- **“D”** —requires a detailed drawing of the property and proposed use, submission of information and payment of a fee. The use **MAY** be permitted subject to administrative approval. The administrator will determine whether a public notice and or hearing will be required
- **“C”**—Conditional use requires a detailed drawing, submission of information and a fee . Approval is subject to specific criteria, public notice, and public hearing process before the County Hearing Examiner.
- **“C(a)”**—same as “C” but without a public hearing.
- **“C(d)”**—same as “C” with a optional public hearing based on the DCD Administrator’s determination.

Completion of a State Environmental Policy Act (SEPA) checklist is also required unless the use is categorically exempt. The fees for permit reviews are generally \$48.00 per hour. The main permit types are: (Type I)—Administrative Decision; (Type II)—Administrative Decision with Public Notice and (Type III)—Hearing Examiner Decision with Public Hearing. The amount of time it takes to process a permit varies with the complexity of the proposal and whether a special report or additional information is required.

You Don't Need Land Use Permit Review if...

On land designated *Prime Agriculture* or *Agricultural Land of Local Importance* there is quite a range of accessory uses beyond cultivation of crops and raising livestock that are “a matter of right” and do not require County review or permit **provided** parking and construction of new or expanded structures are accommodated fully on site without encroaching on or damaging environmentally sensitive areas and their buffers or prime agricultural soils. Unless exempt as a agricultural building, all structures require a building permit.

In addition to usual farming activities the following accessory uses are a matter of right and do not need permit review :

- **Composting** and recycling products for sale as long as the material is non-hazardous and biodegradable.
- **Individually or cooperatively processing and packing** agricultural products if at least 50% of the product was raised or produced on your farm or on other Jefferson County land (includes making jams, cheese, wine, beer, decorative materials, packaged compost, etc.).
- **Retail and wholesale sale of agricultural products** from existing or new farm stands and farm buildings, including cooperative sales, subject to provision that: 50% of square footage of the under-cover, retail display area is comprised of products from the farm on which the stand is located or from land owned by the owner of the stand; or if less than 50% of products sold comes from farm on which the sale occurs, all the products sold must primarily supply local agricultural activities and the sales must be accessory to the prime function of the land as a farm (examples are: sale of livestock equipment, horticulture supplies, special feed, etc.).
- **Commercial repair and maintenance of farm equipment** and sales of equipment, structures, or machinery manufactured on-site for use in agricultural operations subject to the following: the activity is accessory to the main function of the property as a farm and it complies with specific standards from Sections 4.22 and 4.28 of the UDC.
- **Agritourism** such as U-Pick sales, farm mazes, wine or cheese tasting, retail sales, hay rides, etc. provided all the activities are closely related to normal agricultural activities.
- **Classes** which are clearly accessory to the primary function of the farm and which are no longer than 4 weeks for any one class. Longer classes, and those which include housing students, are subject to additional regulations.
- **Lumber mills and associated forestry processing** as long as it is limited to timber from the farm. It is still subject to the regulations of Section 4.23.



Young Grape Vine

“The newly amended agriculture regulations allow some uses previously not permitted on land designated as Agricultural Land...”

Previously Prohibited on Ag Land—Now OK with a Permit

The newly amended agriculture regulations allow some uses previously not permitted on land designated as Agricultural Land, subject to a permit.

- Any of the “matter of right” uses in which a proposal exceeds the set limitations
- Permanent and /or seasonal farm worker housing
- Agricultural schools which are the primary function of the land
- Veterinary clinics or hospitals that serve large domestic animals
- Farm restaurants that are a part of agritourism activities
- Farm campgrounds for fishing or hunting
- Guide services with livestock
- Rural recreational tourist lodging



Local Flower Farming

Jefferson County Government Directory for Farmers

Name	Address	Phone Number/Fax	Email/website
Conservation District	205 W. Patison St. Port Hadlock, WA 98339	(360) 385-4105 FAX (360) 385-4823	jccd@olympen.com latham@jefferson.wsu.edu
County Dept. of Community Development	621 Sheridan Street Port Townsend, WA 98368	(360)379-4450 FAX (360)379-4451	dcd@co.jefferson.wa.us http://co.jefferson.wa.us/ commdevelopment
County Health Department	615 Sheridan Street Port Townsend, WA 98368	(360) 385-9400	http://co.jefferson.wa.us/health
County Assessor's Office	P.O. Box 1220 Port Townsend, WA 98368	(360) 385-9105 FAX (360) 385-9197	jwesterman @co.jefferson.wa.us http://www.co.jefferson.wa.us/assessors
Board of County Commissioners	P.O. Box 1220 Port Townsend, WA 98368	(360) 385-9100 FAX (360) 385-9382	jeffbocc @co.jefferson.wa.us http://www.co.jefferson.wa.us/commissioners

Pros and Cons of Agricultural Land Designation

If you are practicing commercial farming and are not already designated as Agricultural Land on the County's land use map, should you request a change in land use designation to *Agricultural Land of Local Importance*? During 2004 you have a one-time-only opportunity to have the land use re-designation completed for you, for free, by the County.

PROS

- You can do more activities related to commercial agriculture such as retail sales, processing farm products such as cheese and wine, agritourism, etc., without needing a special permit.
- Subject to permit you can do some things not allowed elsewhere such as housing for farm laborers, a large animal vet clinic, a farm restaurant, an agricultural school, etc.
- It increases your "right to farm" legal protection.
- Your property taxes will still be computed on your appraised value—no special add on tax for Agricultural Lands designation.

CONS

- You cannot subdivide your land into parcels smaller than 20 acres each.
- Some uses allowed such as, on land designated as Rural Residential may be required to meet additional standards on Agricultural Lands, such as, of being closely associated with agriculture and be located away from prime agricultural soils, if your land use designation is changed to Agricultural Land.

The land use re-designation process will be completed by the end of 2004. Your land must be intended for commercial agriculture use to be eligible. There is no minimum parcel size nor minimum farm income requirement. You will NOT be required to show any financial records. The Board of County Commissioners will make the final decision on which parcels may be re-designated Agricultural Lands based on the Planning Commission's recommendations.

Contact Josh Peters or Karen Driscoll at the Department of Community Development if you wish to have your land considered for re-designation to Agricultural Lands.

The deadline is July 30, 2004.

**621 Sheridan
Street
Port Townsend,
Washington**

**Phone: 360-379-4450
Fax: 360-379-4451**

**[http://www.co.jefferson.wa.us/
commdevelopment](http://www.co.jefferson.wa.us/commdevelopment)**

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